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**FAX COVER SHEET**

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**Date:** Wednesday, September 15, 2004**Number of Pages:** Cover sheet plus 24 page(s)**To:** Examiner Chi Q. Nguyen**Company:** U.S.P.T.O.**Your Reference:** Serial No. 09/720,895**Fax Number:** 703-872-9306**From:** John V. Daniluck ([jdanieluck@uspatent.com](mailto:jdanieluck@uspatent.com))**Our Reference:** 7399-2**Comments:****CONFIRMATION OF RECEIPT REQUESTED IF CHECKED:**

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100-02, JVD, 301896

WEMHH/SB/21 (8/04)

Approved for use through 07/31/2006, OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/720,895	
	Filing Date	March 5, 2001	
	First Named Inventor	De La Marche	
	Art Unit	3635	
	Examiner Name	Chi Q. Nguyen	
Total Number of Pages In This Submission		Attorney Docket Number	7399-2

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <input type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	John V. Daniluck Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	<i>[Signature]</i>
Date	15 Sept 04

CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being directed to the Commissioner of Patents via facsimile to the Examiner of record at 703-872-9306 on September 15, 2004.			
Typed or printed name	John V. Daniluck	Date	15 Sept 2004
Signature	<i>[Signature]</i>	Date	15 Sept 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file and by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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7399-2.JVD.301681

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Approved for use through 10/31/2002. OMB 0651-0032

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# FEE TRANSMITTAL FOR FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27Total Amount of Payment (\$)**475**

## Complete if Known

Application Number **09720,898**  
Filing Date **March 6, 2001**  
First Named Inventor **De la Marcha**  
Group Art Unit **3635**  
Examiner Name **Chi Q. Nguyen**  
Attorney Docket Number **7399-2**

## METHOD OF PAYMENT

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

### Deposit Account:

Deposit Account Number **23-3030**  
Deposit Account Name **Woodard, Emhardt, Moriarty, McNett & Henry LLP**

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility Filing Fee	
1002	340	2002	170	Design Filing Fee	
1003	530	2003	265	Plant Filing Fee	
1004	770	2004	385	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1)					<b>(\$)<b>0</b></b>

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee From Below	Fee Paid
-20** =		X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	85	2201	43	Independent claims in excess of 3
1203	260	2203	145	Multiple dependent claim, if not paid
1204	88	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) <b>(\$)<b>0</b></b>				

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,620	2012	2,520	For filing a request for ex parte reexamination	
1804	820*	2004	820*	Requesting publication of SIR prior to Examiner's Action	
1805	1,840*	2005	1,840*	Requesting publication of SIR after Examiner's Action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2262	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	<b>475</b>
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	2807	50	Petitions related to provisional applications	
1806	180	2806	180	Submission of Information Disclosure Stmt	
8021	40	2021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	2802	800	Request for expedited examination of a design application	

Other Fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(\$)**475****

### SUBMITTED BY

Name (Print/Type) **John V. Daniluck**

Registration No.

**40,581**

Telephone

**(317) 634-3456**

Signature

*John V. Daniluck*

Date

**15 SEPT 04**

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7399-2JVD.301876

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

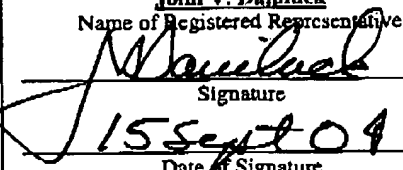
In re patent application of:	)	
	)	Examiner: Chi Q. Nguyen
Peter W. De La Marche	)	
	)	
Serial No. 09/720,895	)	Group Art Unit: 3635
	)	
Filed January 2, 2001	)	
	)	
International Filing Date July 5, 1999	)	
	)	
MODULAR BUILDINGS	)	September 15, 2004

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

In response to the Office Action dated March 15, 2004 please enter the following amendments and consider the following remarks. Enclosed is a request for an extension of time to and including September 15, 2004. The Commissioner is authorized to charge the small entity fee of \$475 for this extension to the credit card account indicated on the enclosed Credit Card Payment Form. No additional fees are believed to be due. However, if any fees are deemed necessary, please charge said fees to Deposit Account No. 23-3030, but not to include the payment of any issue fee.

<b>CERTIFICATE OF FACSIMILE</b>
I hereby certify that this correspondence is being directed to the Commissioner of Patents via facsimile to the Examiner of record at 703-872-9306 on September 15, 2004.
<b>John V. Dapiluck</b>
Name of Registered Representative

Signature
<b>15 Sept 04</b>
Date of Signature

AMENDMENT AND RESPONSE TO OFFICE ACTION  
Serial No. 09/720,895  
Docket No. 7399-2  
Page 1 of 20